

Application No.: 10/612,631
Amdt dated: November 8, 2007
Reply to Office action of August 9, 2007

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office action that was mailed on August 9, 2007. Claims 26-47 are pending in this Application. By this Amendment, Claims 26 and 28 are amended, and Claims 32 and 41 are canceled, without prejudice. The amendments do not introduce new matter as they are fully supported by the Claims, Specification and Drawings as originally filed or are inherent characteristics thereof. Applicants respectfully request reconsideration and allowance of all Claims in view of the following remarks.

Claims 26, 28-37, and 39-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,899,053 to Hawkins (Hawkins '053). In relation to Claims 26 and 28, it is indicated in the Office action that Hawkins '053 teaches all of the elements of Claims 26 and 28 except for the mating hole being disposed through the base adjacent to the mating window on each of the first and second interlocking members, and both the protrusion (20) and standing portion (16) being on both of the first and second interlocking members. It is also indicated in the Office action that it would be obvious to modify Hawkins '053 and also have both the standing portion (16) and the protrusion (20) on the second interlocking member (12a), as well as both the mating window (18) and the mating hole (22) on each of the first and second interlocking members, since Hawkins '053 also teaches that it can be appreciated by those skilled in the art that the standing portion (16) "can take on various shapes and configurations [or sizes], provided they will mate with an aperture of like configuration in a male/female connecting relationship." It is further indicated in the Office action that

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the idea of having each of the protrusion and standing portion on a first half, and a mating hole and mating window on a second half of both first and second interlocking members, with the protrusions operably connecting to the mating holes and the standing portions operably connecting to the mating windows, would have been obvious to one of ordinary skill in the art at the time of invention since it is a variation on male/female connectors that would provide secure engagement of the two connecting elements. Applicants respectfully traverse this rejection.

Claims 26 and 28 were amended to include the elements of Claims 32 and 41, respectively, and Claims 32 and 41 were canceled without prejudice. Claims 26 and 28 now include the standing portion of one of the first interlocking member and the second interlocking member and the mating window of the other one of the first interlocking member and the second interlocking member being sized and configured to engage and confine the suture ends, with the suture ends positioned over the standing portion and in the mating window, when the standing portion and mating window are mated together. Applicants respectfully submit that Hawkins '053 fails to teach the standing portion and mating window being sized and configured to engage and confine the suture ends. Although it is indicated in the Office action that FIG. 1 of Hawkins '053 discloses the standing portion (16) and mating window (18) being sized and configured to engage and confine the suture ends, FIG. 6 depicts the mating of the standing portion and mating window, which provides no clearance for the suture ends to be engaged and confined therein. Having no clearance between the standing portion and

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the mating window, the device of Hawkins `053 has no room for the suture ends to be positioned over the standing portion and in the mating window when the standing portion and mating window are mated together. As the standing portion (16) and mating window (18) of Hawkins `053 mate to hold the bases (12a, 12b) together when the bases are mated to clamp a garment/flag therebetween, and the protrusions (20) being configured to capture the garment/flag, Hawkins `053 does not teach the standing portion and mating being configured to engage and confine the suture ends. Thus, a prima facie case of obviousness is not established and hence reconsideration and withdrawal of the rejection of Claims 26 and 28 are respectfully requested. Applicants also respectfully submit that Claims 29, 30, 31, 33-37, 39, 40, and 42-46 are allowable as depending from an allowable claim. Applicants also respectfully request that these rejections be reconsidered and withdrawn as well.

In relation to Claims 30 and 39, it is indicated in the Office action that Hawkins `053 discloses the protrusions of one of the first interlocking member and the second interlocking member being cylindrical and are sized and configured to match opposing mating holes. Applicants respectfully traverse this rejection.

In the rejection of Claims 26 and 28 in the present Office action, the "protrusion" of Hawkins `053 is identified as item "20," as depicted in FIG. 1 of Hawkins `053. The protrusion (20) of Hawkins `053 is depicted as having a conical shape, not a cylindrical shape, and it is identified in the specification of Hawkins `053 as a "barb." The purpose of the projections/barbs (20) of Hawkins `053, in conjunction with the mating

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holes/second aperture (22), is to securely retain a flag or garment material which is placed thereon (Hawkins '053, col. 5, line 48 through col. 6, line 9). More particularly, in operation, a garment or flag cloth is captured by the piercing barbs (20) which protrude through the cloth and into the second aperture (22) (Hawkins '053, col. 6, lines 6-9). The piercing of the garment or flag cloth is facilitated by the conical shape of the protrusion/barb (20). Thus, a prima facie case of obviousness is not established and hence reconsideration and withdrawal of the rejection of Claims 30 and 39 are respectfully requested.

In relation to Claims 31 and 40, it is indicated in the Office action that Hawkins '053 discloses the protrusions of one of the first interlocking member and the second interlocking member further comprising barbs or have increased end diameters to engage opposing mating holes of one of the first interlocking member and the second interlocking member in a fixed relationship when fully mated (FIGS. 1 and 8). Applicants respectfully traverse this rejection.

Having a conical shape, the protrusions/barbs (20) of Hawkins '053 do not engage opposing mating holes (22) in a "fixed relationship" when fully mated. In Hawkins '053, it is only the standing portions (16) that are shown having increased end diameters to engage opposing mating windows (18) in a fixed relationship when fully mated (see Hawkins '053, FIGS. 6 and 8). Hawkins '053 does not teach the protrusions (20) having an increased end diameter. Thus, a prima facie case of

obviousness is not established and hence reconsideration and withdrawal of the rejection of Claims 31 and 40 are respectfully requested.

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hawkins `053 in view of U.S. Patent No. 6,729,529 to Cecil, et al. (Cecil `529). It is indicated in the Office action that Hawkins `053 discloses the claimed device except for a free end of the standing portion having two substantially straight portions extending substantially perpendicular to the base of the first interlocking member with a substantially curved portion connecting the two generally straight portions together. It is also indicated in the Office action that Cecil `529 teaches a free end (122) having two substantially straight portions extending substantially perpendicular to the base of the first interlocking member with a substantially curved portion (130) connecting the two generally straight portions together (FIG. 5). It is further indicated in the Office action that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide two substantially straight portions with a substantially curved portion connecting the two straight portions, as taught by Cecil `529, to Hawkins `059 in order to effectively fit and clamp a circular or cylindrical device, such as a suture, into the first interlocking member (FIG. 7). Applicants respectfully traverse this rejection.

FIGURE 5 of Cecil `529 depicts a clamp mechanism for clamping tubing. The clamp mechanism of Cecil `529 includes a base portion and a cap portion. The base portion includes a curved portion (130) for nesting the tube, and when the tube is in place the cap portion, which includes a complementary curved portion, is positioned

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over the tube and base to clamp the tube within the clamp mechanism. With the clamp mechanism of Cecil `529 having the cap portion, there is no need, and hence no teaching, to have the base portion of Cecil `529 mated to a mating window to engage and confine the suture ends. Applicants respectfully submit that neither Hawkins `059 nor Cecil `529, either together or alone, teach incorporating the shape of the base portion of the clamp mechanism of Cecil `529 into the standing portion (16) of Hawkins `059 such that the standing portion would mate with a mating window to engage and confine the suture ends. Thus, a prima facie case of obviousness is not established and hence reconsideration and withdrawal of the rejection of Claim 27 are respectfully requested.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes that a telephone conference with Applicants' attorney might expedite prosecution of the Application, the Examiner is invited to call at the telephone number indicated below.

Sincerely

APPLIED MEDICAL RESOURCES

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